IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 642 of 1990

For Approval and Signature:

HON'BLE MR.JUSTICE M.R.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BARODA LIONS CLUB EDUCATION TRUST

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 642 of 1990

MR KS NANAVATI for Petitioner No. 1

MR KT DAVE, ASSTT.GOVERNMENT PLEADER for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE M.R.SHAH

Date of decision: 08/04/2004

ORAL JUDGEMENT

The petitioner - Baroda Lions Club, who was running the educational institution has approached this Court by filing the present Special Civil Application under Article 226 of the Constitution of India,

challenging the order passed by the Director of Primary Education, by which instead of Rs. 70 per month, the authority has increased the fees to only Rs. 65/-.

The petitioner was desirous of increasing the fees to be charged from the students for running educational instituion, and therefore, moved an application before the District Education Officer. It seems that the District Education Officer rejected the said application and therefore, the petitioner preferred a Special Civil Application No. 5670 of 1989 before this Court and this Court, by its order dated 18.8.1989, directed the Director of Primary Education to hear the petitioner and pass an appropriate order with regard to increase of fees. Thereafter, by order dated 7.9.1989, the application of the petitioner was partly allowed by allowing the petitioner to charge fees at the rate of Rs. 65/- per month, instead of Rs. 60/-, by considering the statement of accounts submitted by and on behalf of the petitioner.

That being aggrieved and dis-satisfied with the said order passed by the Director of Primary Education dated 7.9.1989, the petitioner had preferred the present Special Civil Application. While admitting the present Special Civil Application, this Court vide order dated 31st August, 1990, granted interim relief in favour of the petitioner, permitting the petitioner to raise the fees from Rs. 65 to Rs. 70 from June, 1990 and the said interim relief is in operation till date. From the aforesid interim relief it is clear that the petitioner was permitted to increase the fees and to charge the same at the rate of Rs. 70 per month, which they are charging till date. In view of the aforesaid fact and considering the order dated 7.9.1989, the present Special Civil Application is required to be disposed of as the petitioner was already permitted by way of interim relief to charge fees at the rate of Rs. 70 per month, which amount petitioner is charging since year 1990, and the interim relief which was granted earlier by this Court is required to be made absolute in terms of the final order.

In view of the aforesaid facts and circumstances, the present Special Civil Application is disposed of accordingly by making the interim relief which was granted earlier on 31st August, 1990 as absolute and be converted into a final order. Rule is made absolute to the aforesaid extent with no order as to costs.

(M.R. Shah, J.)

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